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La Jollan, 83, tells Congress of WWII slave camp beatings

Compensation from Japan firms sought

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WASHINGTON – As a prisoner of war in Japan, Lester Tenney said he endured 12 hours a day of backbreaking work shoveling coal in a mine, frequent beatings, medical neglect and malnutrition.

Now the 83-year-old La Jolla resident wants Congress to clear the way for legal claims he and other veterans have made against Japanese corporations that used them as slave laborers during World War II.

"All I'm seeking is justice, and I would like the courts of our great country to make the decision," said Tenney, who testified before a House subcommittee yesterday in support of legislation that would allow the veterans to pursue claims for compensation and formal apologies in state or federal courts. "I want (the companies) to say, 'We are sorry for what we did.' "

But the State Department and the Justice Department oppose the effort, saying it would violate the U.S. peace treaty with Japan.

State Department Legal Adviser William Howard Taft IV said the treaty "expressly waived all claims of U.S. nationals 'arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.' "

The legislation "would be inconsistent with our treaty commitments, as clearly understood by our negotiators and by the United States Senate when it gave its overwhelming advice and consent to ratification," Taft said in testimony submitted to the House Judiciary claims subcommittee.

Supporters of the bill reject that interpretation, saying the treaty did not bar claims by private individuals against companies.

"It is just a shame on our government that the State Department and representatives of the United States government have been the main obstacle," said Rep. Dana Rohrabacher, R-Huntington Beach, who is sponsoring the legislation. "I have no doubt that those Japanese corporations that used these men as slave laborers, illegally so, during the Second World War would find room to compromise or pay their lawful debt to these men if our own government would get out of the way."

Those companies include "some of the world's top corporations," Rohrabacher said in a written statement, naming Mitsubishi Heavy Industries, Kawasaki Heavy Industries, Hitachi Shipbuilding and Mitsui Mining.

Tenney said he was forced to work for Mitsui in Japan after enduring the notorious Bataan Death March, a forced march of 70,000 American and Filipino soldiers captured in the Philippines.

The company "allotted me 500 calories of rice each day and medical care that was practically nonexistent," Tenney said in testimony prepared for the subcommittee. Japanese civilian workers at the mine beat him, he said, "many times almost to the point of death."

"The company did nothing to stop them," he said.

Tenney and other POWs filed suit in federal court in California in 1999 seeking an apology and "just compensation." But a judge threw out the suit.

Taft said the U.S. government made payments to POWs from Japanese assets that were seized under the terms of the peace treaty. But supporters of the veterans said those payments averaged only \$890.

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